

## **REMARKS**

### **I. Introduction**

Claims 22-44 are pending in the instant application. Claims 22-44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,837,846 to Jaffe *et al.* (Jaffe *et al.*).

Reconsideration of the rejection is requested in view of the following remarks.

### **II. Rejections Under Section 102**

#### **A. Legal Standard**

Anticipation under 35 U.S.C. § 102 requires that a single reference expressly or inherently disclose each and every element of a claim. *See e.g., In re Paulsen* 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); MPEP § 2131 (citing *Brown v. 2M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001)).

#### **B. The Claimed Invention Is Not Anticipated By Jaffe *et al.***

Independent claims 24, 25 and 26 require, in relevant part, the step of “selectively steering said selectively steerable distal portion to assume a selected curve along a desired path” within a specific portion of the body. Claim 24 specifically recites “a desired path within said cranial cavity.” Claim 25 specifically recites “a desired path within said thoracic cavity.” Claim 26 specifically recites “a desired path within said peritoneal cavity.” Jaffe *et al.* do not specifically disclose selectively steering said selectively steerable distal portion to assume a selected curve along a desired path within any of the cranial cavity, the thoracic cavity or the peritoneal cavity. Because Jaffe *et al.* do not specifically disclose selectively steering said selectively steerable distal portion to assume a selected curve along a desired path within any of the cranial cavity, the thoracic cavity or the peritoneal cavity, Jaffe *et al.* cannot anticipate independent claims 24, 25 and 26. For at least the reasons stated above Jaffe *et al.* does not anticipate independent Claims 24-26. Claims 27-44 depend from at least one of independent Claims 24-26 and necessarily contain all the limitations of the claim(s) from which they depend. Therefore, for the same reasons stated above, Jaffe *et al.* does not anticipate dependent Claims 27-44.

**C. Conclusion**

It is respectfully submitted that Jaffe *et al.* does not anticipate the claims of the present invention for at least the reasons above. Accordingly, Applicants respectfully request the final rejection of Claims 24-44 under 35 U.S.C. § 102 be withdrawn.

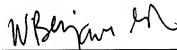
**III. CONCLUSION**

It is respectfully submitted that Claims 24-44 meet all of the requirements for patentability and are in condition for allowance. An early indication of the same is therefore kindly solicited. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned at (650) 212-1700.

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Respectfully submitted,

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